

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH SIMMONS,
Plaintiff,

v.

OFFICER WILSON,
Defendant.

:
:
:
:
:
:
:

CIVIL ACTION NO. 22-CV-1644

ORDER

AND NOW, this 20th day of May, 2022, the Court having severed certain of Plaintiff Joseph Simmons's claims from *Simmons v. Gianetta, et al.*, Civ. A. No. 21-4962, into the instant lawsuit; and the Court noting that as a result, Simmons has not yet had an opportunity to pay the fees to commence a civil action or file a motion to proceed *in forma pauperis* in this case, it is **ORDERED** that:

1. If Simmons seeks to proceed with this action he must, within thirty (30) days of the date of this Order, either (1) pay \$402 (comprising the \$350 filing fee and \$52 administrative fee) to the Clerk of Court, or (2) file a motion to proceed *in forma pauperis* with a certified copy of his prisoner account statement (or institutional equivalent) showing all deposits, withdrawals, and a current balance, from any correctional facility in which he was confined for the six-month period from October 27, 2021 to April 27, 2022, reflecting account activity from that time period.

2. If Simmons is ultimately granted leave to proceed *in forma pauperis*, he will be obligated to pay the \$350 filing fee in installments pursuant to 28 U.S.C. § 1915(b), even if his case is dismissed. He will not be entitled to the return of any payments made toward the fee.

3. The Clerk of Court shall furnish Simmons with a blank copy of this Court's current standard prisoner *in forma pauperis* form bearing the above civil action number.¹ Simmons may use this form to seek leave to proceed *in forma pauperis* if he cannot afford to pay the fees to commence this case.

4. If Simmons fails to comply with this Order his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER, J.

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents2/forms/forms-pro-se>.